

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

GREATER BOSTON LEGAL SERVICES, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF HOMELAND
SECURITY, *et al.*

Defendants.

**JOINT MOTION FOR
EXTENSION OF TIME**

Case No.: 1:21-cv-10083-DJC

JOINT MOTION FOR EXTENSION OF TIME

The Parties to the above-captioned action jointly move for an extension of time. Plaintiffs respectfully request a three-day extension (until May 26, 2023) to file their Reply in Support of their Motion to Certify Interlocutory Appeal Under 28 U.S.C. § 1292(b), or in the Alternative, for Reconsideration of the Court’s March 16, 2023 Memorandum and Order, ECF No. 87. And Defendants respectfully request a seven-day extension (until May 24, 2023) to file an index of the administrative record with the Court and produce the record to Plaintiffs. Finally, the Parties jointly request a seven-day extension of time of the deadlines associated with a potential challenge to the sufficiency of the record. As grounds for these requests, the parties state:

1. Plaintiffs—lawyers, law firms, and a nonprofit legal services organization—brought this Administrative Procedure Act (“APA”) case. Complaint, ECF No. 1.

2. On January 14, 2022, this Court granted in part and denied in part Defendants’ motion to dismiss. ECF No. 50. Plaintiffs amended their complaint, ECF No. 57, and Defendants filed a partial motion to dismiss, ECF No. 62. On March 16, 2023, the Court issued a decision

allowing Defendants' partial motion to dismiss and ordering that "the only claim that will proceed is Plaintiffs' APA claim as to asylum proceedings." ECF No. 80.

3. The Court also ordered the parties to confer and propose a schedule. *Id.*

4. The parties submitted a proposed schedule, which the Court adopted. ECF No. 86; April 21, 2023 Electronic Order, ECF No. 92. That schedule requires Plaintiffs to file their Reply in Support of their Motion to Certify or for Reconsideration by May 23, 2023. It also requires Defendants to produce to Plaintiffs the administrative record and file with the Court an index of that record by Wednesday, May 17, 2023.

5. Plaintiffs request a three-day extension to file their Reply and assert that good cause exists for their request. Plaintiffs have been diligently working on the Reply, but require a few additional days to complete their work due to scheduling conflicts arising from personal matters over the last week. Defendants assent to Plaintiffs' request for a three-day extension.

6. Defendants request a seven-day extension to produce the record and file an index and assert that good cause exists for their request. Defendants have been diligently working on compiling the administrative record, but need a short amount of additional time to complete their work. Undersigned counsel had an unexpected family matter arise last week that caused a small delay. Additionally the press of other work, including Defendants' opposition to Plaintiffs' pending motion in this case, further delayed the compilation of the administrative record. Finally, the Divisions within the United States Citizenship and Immigration Services who are primarily responsible for gathering the records here are also assisting with a potential surge of noncitizens at the border due to the end of Title 42. The latter has caused some short delays in retrieving information. Plaintiffs assent to Defendants' request for a seven-day extension.

7. If granted, Defendants' brief extension will impact the parties' proposed schedule in the event of a dispute about the sufficiency of the record. The Parties, therefore, respectfully request those dates be extended by a corresponding amount, as outlined below.

Description	Original Deadline	New Deadline
Plaintiffs to identify to Defendants any objection to the sufficiency of the administrative record	June 16, 2023	June 30, 2023
Parties' deadline to meet and confer	June 30, 2023	July 14, 2023
Plaintiffs' motion challenging the sufficiency of the administrative record if the Parties are unable to resolve any differences	July 14, 2023	July 28, 2023
Defendants' opposition to Plaintiffs' motion	August 4, 2023	August 18, 2023
Plaintiffs' reply in support of motion	August 18, 2023	September 1, 2023

WHEREFORE, Plaintiffs respectfully request a three-day extension, until May 26, 2023, to file their Reply in Support of their Motion to Certify or for Reconsideration. And Defendants respectfully request that the Court grant a seven-day extension of time, until May 24, 2023, for Defendants to produce to Plaintiffs the administrative record and file with the Court an index of that record. The Parties also respectfully request that the Court extend the deadlines addressing any objections to the sufficiency of the record by seven days, as described in the chart in paragraph 7 above.

May 16, 2023

/s/ Adriana Lafaille
Adriana Lafaille (BBO #680210)

Respectfully submitted,

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